

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN**

RICHARD POST,

Plaintiff,

v.

EQUITYEXPERTS.ORG, LLC,

Defendant.

Case No.: 2:17-cv-11613-DPH-APP
Hon. Judge Denise Page Hood
Magistrate Judge Anthony P. Patti

**DEFENDANT’S ANSWER TO PLAINTIFF’S FIRST AMENDED
COMPLAINT**

Defendant EquityExperts.Org, LLC (“Defendant”), through its attorneys, Brock & Scott, PLLC, hereby answers Plaintiff’s Complaint and pleads its affirmative defenses as follows:

1. Defendant admits that Plaintiff purports to bring an action under the Fair Debt Collection Practices Act, the Michigan Collection Practices Act and the Michigan Occupational Code but denies that Defendant violated the law or is liable to Plaintiff.

PARTIES

2. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

3. Defendant admits the allegations in this paragraph.

VENUE

4. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

GENERAL ALLEGATIONS

5. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

6. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

7. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

8. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

9. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

10. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

11. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

12. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

13. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

14. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

15. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

16. Defendant denies the allegations in this paragraph.

COUNT I
VIOLATION OF THE FAIR DEBT COLLECTION PRACTICES ACT

17. Defendant reasserts its prior responses as if fully set forth in this paragraph.

18. Defendant admits the allegations in this paragraph.

19. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

20. Defendant admits the allegations in this paragraph.

21. Defendant denies the allegations in this paragraph and its various subparts.

22. Defendant denies the allegations in this paragraph.

WHEREFORE, Defendant EquityExperts.Org, LLC requests that this Court: (a) dismiss Plaintiff's Complaint with prejudice and enter judgment in

favor of Defendant; (b) award Defendant its fees and costs incurred in this matter; and (c) grant such other and further relief as is just and proper.

COUNT II
VIOLATION OF THE MICHIGAN OCCUPATIONAL CODE

23. Defendant reasserts its prior responses as if fully set forth in this paragraph.

24. Defendant admits the allegations in this paragraph.

25. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

26. Defendant denies the allegations in this paragraph and its various subparts.

27. Defendant denies the allegations in this paragraph.

28. Defendant denies the allegations in this paragraph.

COUNT III
VIOLATION OF THE MICHIGAN COLLECTION PRACTICES ACT

29. Defendant reasserts its prior responses as if fully set forth in this paragraph.

30. Defendant states that it is a “collection agency” as defined in the Michigan Occupational Code, M.C.L. § 339.901(b), and specifically excluded from the definition of “regulated person” contained in the Michigan Collection

Practices Act at M.C.L. § 445.251(g). Accordingly, Defendant denies the allegations in this paragraph.

31. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

32. Defendant denies the allegations in this paragraph and its various subparts.

33. Defendant denies the allegations in this paragraph.

34. Defendant denies the allegations in this paragraph.

WHEREFORE, Defendant EquityExperts.Org, LLC requests that this Court: (a) dismiss Plaintiff's Complaint with prejudice and enter judgment in favor of Defendant; (b) award Defendant its fees and costs incurred in this matter; and (c) grant such other and further relief as is just and proper.

AFFIRMATIVE DEFENSES

1. Defendant is not a "regulated person" under the MRCPA; accordingly, Count III is barred as a matter of law.

2. Defendant asserts, without admitting any liability whatsoever, that Plaintiff lacks standing as he has suffered no injury-in-fact as the result of any act or omission by Defendant.

3. Defendant asserts, without admitting any liability whatsoever, that any violation of federal or state law was unintentional and the result of a bona fide error, notwithstanding reasonable procedures in place to prevent such errors.

4. Defendant asserts, without admitting any liability whatsoever, that Plaintiff's claims are barred in whole or in part by Plaintiff's failure to mitigate.

5. If Plaintiff suffered or sustained any loss, injury, damage or detriment, it was directly and proximately caused and contributed to by the breach, conduct, acts, omissions, activities, carelessness, recklessness, negligence, or intentional misconduct of others, and not by Defendant.

6. Defendant asserts that Plaintiff is barred from obtaining the relief sought in the Complaint by the doctrines of consent, estoppel, waiver, unclean hands, laches or other equitable doctrines.

Respectfully Submitted,

/s/ Charity A. Olson

Charity A. Olson (P68295)

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Dated: October 26, 2017

CERTIFICATE OF SERVICE

I, Charity A. Olson, hereby state that on October 26, 2017, I electronically filed the foregoing document with the Clerk of the Court using the ECF system, which will send notification of such filing to the attorneys of record.

/s/ Charity A. Olson
Charity A. Olson (P68295)
BROCK & SCOTT, PLLC